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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,327	12/04/2001	Andre Colens	COL 207	6990

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Horst M Kasper
13 Forest Drive
Warren, NJ 07059

EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,327

Applicant(s)

COLENS, ANDRE

Examiner

Meredith C Petravick

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the upwardly curving extensions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "17" on page 6, line

7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, lines 7-9 and page 5, lines 19-24.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 contains the phrase “for a mowing machine, particularly for a lawn mower” in line 1. This phrase is indefinite because it cannot be determined if applicant is claims a mowing machine or a lawn mower. For the purpose of examination on the merits, it is assumed that applicant is claiming a mowing machine.

The limitation “the chassis” in line 2 of claim 12 lacks antecedent basis and should be -- a chassis--.

The limitation “the zone” in line 7 of claim 12 lacks antecedent basis and should be -- a zone--.

In claim 12, line 7, it is unclear whether the limitation “the circular plate” is referring to the cutter disk or the bottom plate. For the purpose of action on the merits, it is assumed that the circular plate refers to the bottom plate.

The limitation the pin” in line 2 of claim 13 lacks antecedent basis and should be -a pin--.

Regarding claim 13, the phrase "or the like" renders the claim(s) indefinite because the claim includes elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

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Claim 16 states "ranges from 10 to 60, preferably from 20 to 40." Having a range within a range in the same claim causes the claim to be indefinite because it cannot be determined if applicant is claiming 10 to 60 or 20 to 40. For the purpose of examination on the merits, it is assumed that applicant is claiming 10 to 60.

Claim 21 merely sets out an intended use of the structure and does not set forth any further structure. It is impossible to determine what applicant is trying to claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 12-14, 16-17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller 2,795,916.

Miller discloses a cutting attachment including:

- a motor (46) with a driving shaft (47)
- a cutter disk (combination shown in Fig. 6) perpendicular to the shaft and having a least one blade (74)
- a bottom plate (86) parallel and beneath the cutter disk

The bottom plate has extensions extending beyond the blades (Column 2, lines 57-58) and a circular plate that is substantially equal to or smaller than the cutter disk excluding the blades (Fig. 7).

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In regards to claim 13, the bottom plate is mounted freely on the pin of the cutter disk via a roller bearing or the like.

In regards to claim 14, the extensions are provided in the form of prongs having a rounded profile (Fig. 7).

In regards to claim 16, the number of extension range between 10 and 60.

In regards to claim 17, the cutting system is linked to a chassis of a moving machine by a suspension system.

In regards to claim 19, the cutting attachment is on a mower.

8. Claims 12-14, 17-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kesling 2,968,903, cited by applicant.

Kesling discloses a cutting attachment including:

- a motor (in housing 12) with a driving shaft (40)
- a cutter disk (42) perpendicular to the shaft and having a least one blade
- a bottom plate (32) parallel and beneath the cutter disk

The bottom plate has extensions (34) extending beyond the blades and a circular plate that is substantially equal to or smaller than the cutter disk excluding the blades.

In regards to claim 13, the bottom plate is mounted freely on the pin of the cutter disk via a roller bearing or the like (Fig. 2).

In regards to claims 14 and 18, the extensions are provided in the form of prongs having a rounded profile (Fig. 5) and are upwardly curved. .

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In regards to claim 17, the cutting system is linked to a chassis of a moving machine by a suspension system.

In regards to claim 19, the cutting attachment is on a mower.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller or Kesling.

The spacing between the extensions is a design choice based on the type and size of the object that is unwanted near the blade. Note, the specification lacks criticality for the pace between the extensions.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kesling in view of Chen et al. 4,694,639 (Chen).

Kesling discloses the claimed invention except for disclosing the cutting attachment on a regular mower instead of a robotic mower as claimed.

Like Kesling, Chen discloses a mower. Unlike Kesling, Chen teaches making the mower a robotic lawn mower as a convenience that decrease the amount of work an operator has to perform. (Column 1, lines 9-23)

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to make mower of Kesling a robotic mower as taught in Chen, in order to decrease manual labor by an operator.

Conclusion

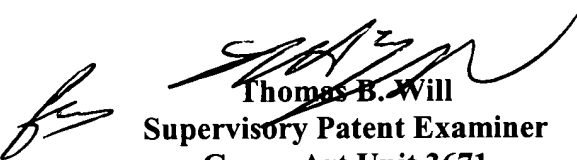
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047.

The examiner can normally be reached on Monday-Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671